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EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 19th July, 2016:—

BILL NO. 167 OF 2016

A Bill further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall be deemed to have come into force on 24th May, 2016.

102 of 1956. 5

2. After section 10C of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of
new section
10D.

“10D. There shall be conducted a uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:

Uniform
entrance
examination
for
undergraduate
and post-
graduate level.

Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Medical College or in a private Medical College) where such State has not opted for such examination.”.

Amendment
of section 33.

3. In section 33 of the principal Act, after clause (*ma*), the following clause shall be inserted, namely:—

“(mb) the designated authority, other languages and the manner of conducting of uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level;”.

Repeal and
savings.

4. (1) The Indian Medical Council (Amendment) Ordinance, 2016 is hereby repealed.

Ord. 4 of
2016.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

102 of 1956.

STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council Act, 1956 was enacted for the purpose of reconstituting the Medical Council of India (the Council) and to provide for the maintenance of the Indian Medical Register and for matters connected therewith.

2. The Act confers upon the Council the responsibility of maintenance of the highest standards of medical education throughout the country. In pursuance of the responsibility, the Council makes its recommendations to the Central Government for matters related to the courses of study, examination to be undertaken for such qualifications and inspection of examinations, etc.

3. In order to conduct a uniform entrance examination to all medical educational institutions and undergraduate and post-graduate level for all candidates, the Council notified the conduct of a single entrance examination, namely the National Eligibility-cum-Entrance Test (NEET) by amending the Graduate Medical Regulations, 1997 and Post-graduate Medical Education Regulations, 2000 respectively.

4. Several Court cases were filed by a number of Institutions and State Governments of Tamil Nadu and Andhra Pradesh against NEET in various Courts across the country. On the request of the Council, the said cases were transferred to the Hon'ble Supreme Court. However, the Hon'ble Supreme Court, *vide* its order dated 18th July, 2013 had quashed the said regulations.

5. Since, the Government was of the firm opinion that it would be in the larger interest of the society and the students aspiring to study medicine to have NEET, certain review petitions were filed by the Central Government and the Council before the Hon'ble Supreme Court. The Hon'ble Court *vide* its order dated 11th April, 2016 allowed these review petitions and recalled the judgment dated 18th July, 2013 and directed that matters to be heard afresh. Further, the Hon'ble Supreme Court *vide* its Orders dated 28th April, 2016 and 9th May, 2016 in W.P No. 261/2016 filed by Sankalp Charitable Trust and Others Vs. Union of India directed that NEET [Under Graduate] shall come into effect immediately. It had further directed that All India Pre Medical Test, 2016 (AIPMT) to be held on 1st May, 2016 shall be Phase-I of NEET and Phase-II of NEET shall be held on 24th July, 2016 and the combined result of both the tests shall be declared on 17th August, 2016.

6. In view of the judgment of the Hon'ble Supreme Court, NEET became mandatory for all under-graduate and post-graduate admissions with immediate effect. However, some State Governments indicated that it would be in the larger interest of the students' community across the country to hold NEET for undergraduate admission from the year 2017-18 onwards instead of 2016-17, in the light of the following difficulties being faced by those State Governments':—

(i) State level examinations for admissions have already been conducted and students will have to appear for a second examination;

(ii) State examinations are also conducted in regional languages. It is not appropriate to make all students to take the examination in Hindi and English, particularly when only two months are left for NEET Phase-II examination; and

(iii) the syllabi for the State level examinations are different from the AIPMT, which is going to be the basis for NEET Phase-II examination.

It was accordingly decided to make certain amendments to the Indian Medical Council Act, 1956. Since the Parliament was not in session and immediate action was required to be

taken in the light of representations of the State Governments and exigencies of the NEET scheduled for 24th July, 2016, the Indian Medical Council (Amendment) Ordinance, 2016 was promulgated by the President on the 24th May, 2016.

8. The Indian Medical Council (Amendment) Bill, 2016 which seeks to replace the Indian Medical Council (Amendment) Ordinance, 2016, provides for the following, namely:—

(a) to insert a new section 10D in the Act for conducting of uniform entrance examination to all medical educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages in such manner as may be prescribed;

(b) to insert a proviso in the said section so as to provide that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Medical College or in a private Medical College) where such State has not opted for such examination; and

(c) to amend section 33 of the Act so as to enable the Council to make regulations for all matters connected with the conduct of uniform entrance examination.

9. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 15th July, 2016.

JAGAT PRAKASH NADDA.

BILL NO. 168 OF 2016

A Bill further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Dentists (Amendment) Act, 2016.

Short title and
commencement.

(2) It shall be deemed to have come into force on 24th May, 2016.

16 of 1948.

2. After section 10C of the Dentists Act, 1948 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

Insertion of
new section
10D.

“10D. There shall be conducted a uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:

Uniform
entrance
examination
for
undergraduate
and post-
graduate level.

Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination.”.

Amendment
of section 20.

3. In section 20 of the principal Act, after clause (h), the following clause shall be inserted, namely:—

“(ha) the designated authority, other languages and the manner of conducting of uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level;”.

Repeal and
savings.

4. (1) The Dentists (Amendment) Ordinance, 2016 is hereby repealed.

Ord. 5 of
2016.

(2) Notwithstanding such repeal, anything done or any action taken under the Dentists Act, 1948 as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

16 of 1948.

STATEMENT OF OBJECTS AND REASONS

The Dentists Act, 1948 was enacted for the regulation of the profession of Dentistry.

2. The Act confers upon the Dental Council of India (the Council) the responsibility of maintenance of the highest standards of dental education throughout the country. In pursuance of the responsibility, the Council makes its recommendations to the Central Government for matters related to the courses of study, examination to be undertaken for such qualifications and inspection of examinations, etc.

3. In order to conduct a uniform entrance examination to all dental educational institutions at the undergraduate and post-graduate level for all candidates, the Council notified the conduct of a single entrance examination, namely the National Eligibility-cum Entrance Test (NEET) by amending the BDS and MDS Course Regulations, 2007 respectively.

4. Several Court cases were filed by a number of Institutions and State Governments of Tamil Nadu and Andhra Pradesh against NEET in various Courts across the country. On the request of the Council, the said cases were transferred to the Hon'ble Supreme Court. However, the Hon'ble Supreme Court, *vide* its order dated 18th July, 2013 had quashed the said regulations.

5. Since, the Government was of the firm opinion that it would be in the larger interest of the society and the students aspiring to study medicine to have NEET, certain review petitions were filed by the Central Government and the Council before the Hon'ble Supreme Court. The Hon'ble Court *vide* its order dated 11th April, 2016 allowed these review petitions and recalled the judgment dated 18th July, 2013 and directed that matters to be heard afresh. Further, the Hon'ble Supreme Court *vide* its orders dated 28th April, 2016 and 9th May, 2016 in W.P. No. 261/2016 filed by Sankalp Charitable Trust and Others Vs. Union of the India directed that NEET [Undergraduate] shall come into effect immediately. It had further directed that All India Pre Medical Test, 2016 (AIPMT) to be held on 1st May, 2016 shall be Phase-I of NEET and Phase-II of NEET shall be held on 24th July, 2016 and the combined result of both the tests shall be declared on 17th August, 2016.

6. In view of the judgment of the Hon'ble Supreme Court, NEET became mandatory for all undergraduate and post-graduate admissions with immediate effect. However, some State Governments indicated that it would be in the larger interest of the students' community across the country to hold NEET for undergraduate admission from the year 2017-18 onwards instead of 2016-17, in the light of the following difficulties being faced by those State Governments':—

(i) State level examinations for admissions have already been conducted and students will have to appear for a second examination;

(ii) State examinations are also conducted in regional languages. It is not appropriate to make all students to take the examination in Hindi and English, particularly when only two months are left for NEET Phase-II examination; and

(iii) the syllabi for the State level examinations are different from the AIPMT, which is going to be the basis for NEET Phase-II examination.

7. It was accordingly decided to make certain amendments to the Dentists Act, 1948. Since the Parliament was not in session and immediate action was required to be taken in the light of representations of the State Governments and exigencies of the NEET scheduled for 24th July, 2016, the Dentists (Amendment) Ordinance, 2016 was promulgated by the President on the 24th May, 2016.

8. The Dentists (Amendment) Bill, 2016 which seeks to replace the Dentists (Amendment) Ordinance, 2016, provides for the following, namely:—

(a) to insert a new section 10D in the Act for conducting of uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and in such other languages and in such manner as may be prescribed;

(b) to insert a proviso in the said section so as to provide that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination; and

(c) to amend section 20 of the Act so as to enable the Council to make regulations for all matters connected with the conduct of uniform entrance examination.

9. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 15 July, 2016.

JAGAT PRAKASH NADDA.

BILL NO. 171 OF 2016

A Bill to alter the names of the High Courts of Bombay, Calcutta and Madras.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the High Courts (Alteration of Names) Act, 2016.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) “appropriate Government” means, as respects a law relating to a matter enumerated in List I—Union List in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(c) “law” includes any enactment, Ordinance, order, bye-law, rule, regulation, notification, scheme or other instrument having the force of law under the respective jurisdictions of the High Courts of Bombay, Calcutta and Madras.

Alteration of
names of High
Courts of
Bombay,
Calcutta and
Madras.

3. As from the appointed day, the High Courts of Bombay, Calcutta and Madras shall be known as the High Courts of Mumbai, Kolkata and Chennai, respectively.

Power to
adapt laws.

4. (1) For the purposes of giving effect to the alteration of the names of the High Courts of Bombay, Calcutta and Madras by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent a competent Legislature or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

Power to
construe laws.

5. Notwithstanding that no provision or insufficient provision has been made under section 4 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

Legal
proceedings.

6. Where immediately before the appointed day any legal proceedings are pending to which the High Courts of Bombay, Calcutta and Madras are parties, the High Courts of Mumbai, Kolkata and Chennai shall respectively be deemed to have been substituted for the High Courts of Bombay, Calcutta and Madras in those proceedings.

STATEMENT OF OBJECTS AND REASONS

The High Courts of Bombay, Calcutta and Madras were established in pursuance of Letters Patent issued by the Queen in terms of the Indian High Courts Act, 1861 passed by the British Parliament. The High Court of Judicature at Madras was established by Letters Patent on 26th June, 1862, while the High Court of Judicature at Calcutta and High Court of Judicature at Bombay were established by Letters Patent on 28th December, 1865. After the Constitution of India came into force, these High Courts have continued to exist and exercise their jurisdiction in terms of article 225 of the Constitution.

2. The High Courts were named after the cities in which they were located. Consequence to the change in the names of these cities, there has been demands for change in the names of High Courts of Bombay, Calcutta and Madras as High Courts of Mumbai, Kolkata and Chennai respectively. At present, there is no central law under which the proposal to change the names of these High Courts can be addressed. The proposed legislation is to address this requirement. It is appropriate and logical that the names of these High Courts are also changed as per the request of the State Governments.

3. In view of the above, it has been decided to change the names of the High Courts of Judicature at Bombay, Calcutta and Madras as the High Court of Judicature at Mumbai, Kolkata and Chennai, respectively.

4. The High Courts (Alteration of Names) Bill, 2016 will bring uniformity between the names of the cities and the names of the High Courts. It will also fulfil the aspiration of the people of the concerned States.

5. The Bill seeks to achieve the above objectives.

RAVI SHANKAR PRASAD.

NEW DELHI;
The 15th July, 2016.

BILL NO. 172 OF 2016

A Bill further to amend the Citizenship Act, 1955.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Citizenship (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In the Citizenship Act, 1955 (hereinafter referred to as the principal Act), in section 2, 57 of 1955.
in sub-section (1), after clause (b), the following proviso shall be inserted, namely:—

“Provided that persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any order made thereunder, 34 of 1920.
31 of 1946.
shall not be treated as illegal migrants for the purposes of this Act.”.

3. In the principal Act, in section 7D, after clause (d), the following clause shall be inserted, namely:—

Amendment of
section 7D.

"(da) the Overseas Citizen of India Cardholder has violated any of the provisions of this Act or provisions of any other law for the time being in force; or".

4. In the principal Act, in the Third Schedule, in clause (d), the following proviso shall be inserted, namely:—

Amendment
of Third
Schedule.

'Provided that for the persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, the aggregate period of residence or service of a Government in India as required under this clause shall be read as "not less than six years" in place of "not less than eleven years".'.

STATEMENT OF OBJECTS AND REASONS

The Citizenship Act, 1955 was enacted to provide for the acquisition and determination of Indian citizenship.

Under the existing provisions of the Act, persons belonging to the minority communities, such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have either entered into India without valid travel documents or the validity of their documents have expired are regarded as illegal migrants and hence ineligible to apply for Indian citizenship. It is proposed to make them eligible for applying for Indian citizenship.

Many persons of Indian origin including persons belonging to the aforesaid minority communities from the aforesaid countries have been applying for citizenship under section 5 of the Act, but are unable to produce proof of their Indian origin. Hence, they are forced to apply for citizenship by naturalisation under section 6 of the Act, which, *inter alia*, prescribes twelve years residency as qualification for naturalisation in terms of the Third Schedule to the Act. This denies them many opportunities and advantages that may accrue only to the citizens of India, even though they are likely to stay in India permanently. It is proposed to amend the Third Schedule to the Act to make applicants belonging to minority communities from the aforesaid countries eligible for citizenship by naturalisation in seven years instead of the existing twelve years.

Presently, there is no specific provision in section 7D of the Act to cancel the registration of Overseas Citizen of India Cardholders who violate any Indian law. It is also proposed to amend the said section 7D, so as to empower the Central Government to cancel registration as Overseas Citizen of India in case of violation of the provisions of the Act or any other law for the time being in force.

The Bill seeks to achieve the above objectives.

RAJNATH SINGH.

NEW DELHI;
The 15th July, 2016.

BILL NO. 170 OF 2016

A Bill further to amend the National Institutes of Technology, Science Education and Research Act, 2007.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the National Institutes of Technology, Science Education and Research (Amendment) Act, 2016.

Short title and commencement.

(2) It shall be deemed to have come into force on the 20th day of August, 2015.

2. In the First Schedule to the National Institutes of Technology, Science Education and Research Act, 2007, after serial number 30, the following serial number and the entries relating thereto shall be inserted, namely:—

Amendment of First Schedule to Act 29 of 2007.

(1)	(2)	(3)
“31.	National Institute of Technology, Andhra Pradesh	National Institute of Technology, Andhra Pradesh.”.

STATEMENT OF OBJECTS AND REASONS

The National Institutes of Technology, Science Education and Research Act, 2007 (29 of 2007) provides for declaration of certain institutions of technology to be institutions of national importance and to provide for instructions and research in branches of engineering, technology, management, education, sciences and arts and for the advancement of learning and dissemination of knowledge in such branches and for certain other matters connected with such institutions.

2. Consequent upon the bifurcation of the State of Andhra Pradesh, and as provided in section 93 of the Andhra Pradesh Reorganisation Act, 2014 and the Thirteenth Schedule to the said Act, a National Institute of Technology has been registered as a Society under the Andhra Pradesh Societies Registration Act, 2001 on the 8th September, 2015 and the same has already started functioning as per the approval of the Central Government.

3. In view of the above, this Bill proposes for the establishment of the National Institute of Technology, Andhra Pradesh with effect from the 20th day of August, 2015, the date on which the Central Government approved the establishment of the same.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 13th July, 2016.

PRAKASH JAVADEKAR.

FINANCIAL MEMORANDUM

The Bill proposes to declare the National Institute of Technology, Andhra Pradesh as an institution of national importance by amending the National Institutes of Technology, Science Education and Research Act, 2007. The substantial assistance of the Central Government would be provided to the National Institute of Technology, Andhra Pradesh under Plan Heads by the Department of Higher Education, Ministry of Human Resource Development.

2. For the current financial year, an amount of 40 crore rupees has been allocated for establishment of the National Institute of Technology, Andhra Pradesh. An outlay of 226.00 crore rupees (94.73 crore rupees as non-recurring towards capital expenditure, 114.32 crore rupees as recurring expenditure and 16.72 crore rupees as contingency expenditure) has been made over a period of three years with the stipulation that sanction of funds would be on incremental basis after assessing the requirement as part of the annual budgetary exercise.

3. The Bill does not involve any other recurring or non-recurring expenditure.

BILL NO. 169 OF 2016

A Bill further to amend the Institutes of Technology Act, 1961.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Institutes of Technology (Amendment) Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 2.

2. In the Institutes of Technology Act, 1961 (hereinafter referred to as the principal Act), in section 2, for the words and brackets "and the Indian Institute of Technology (Banaras Hindu University), Varanasi", the words and brackets "the Indian Institute of Technology (Banaras Hindu University), Varanasi, the Indian Institute of Technology, Tirupati,

59 of 1961.

the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Jammu and the Indian Institute of Technology (Indian School of Mines), Dhanbad" shall be substituted.

3. In section 3 of the principal Act,—

Amendment of
section 3.

(A) in clause (c), after sub-clause (xiii), the following sub-clauses shall be inserted, namely:—

"(xiv) in relation to the society known as the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Tirupati;

(xv) in relation to the society known as the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Palakkad;

(xvi) in relation to the society known as the Indian Institute of Technology, Goa, the Indian Institute of Technology, Goa;

(xvii) in relation to the society known as the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Dharwar;

(xviii) in relation to the society known as the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Bhilai;

(xix) in relation to the society known as the Indian Institute of Technology, Jammu, the Indian Institute of Technology, Jammu;

(xx) in relation to the society known as the Indian School of Mines, Dhanbad, the Indian Institute of Technology (Indian School of Mines), Dhanbad.";

(B) after clause (ga), the following clause shall be inserted, namely:—

'(gb) "Indian School of Mines, Dhanbad" means the society known as the Indian School of Mines, Dhanbad;';

(C) in clause (j), after sub-clause (xi), the following sub-clauses shall be inserted, namely:—

"(xii) the Indian Institute of Technology, Tirupati;

(xiii) the Indian Institute of Technology, Palakkad;

(xiv) the Indian Institute of Technology, Goa;

(xv) the Indian Institute of Technology, Dharwar;

(xvi) the Indian Institute of Technology, Bhilai;

(xvii) the Indian Institute of Technology, Jammu;

(xviii) the Indian School of Mines, Dhanbad;"

4. In section 4 of the principal Act, after sub-section (ID), the following sub-section shall be inserted, namely:—

Amendment of
section 4.

"(IE) The Indian School of Mines, Dhanbad shall, on such incorporation, be called the Indian Institute of Technology (Indian School of Mines), Dhanbad."

5. In section 5 of the principal Act, after *Explanation 2*, the following *Explanation* shall be inserted, namely:—

Amendment of
section 5.

"*Explanation 3.*—The reference in this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Bhilai, the

Indian Institute of Technology, Jammu, and the Indian Institute of Technology (Indian School of Mines) Dhanbad, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2016 comes into force."

Amendment of
section 38.

6. In section 38 of the principal Act,—

(i) after clause (o), the following clauses shall be inserted, namely:—

"(p) until the first Statutes and Ordinances in relation to the Indian Institute of Technology, Tirupati, the Indian Institute of Technology, Palakkad, the Indian Institute of Technology, Goa, the Indian Institute of Technology, Dharwar, the Indian Institute of Technology, Bhilai, the Indian Institute of Technology, Jammu, are made under this Act, the Statutes and Ordinances of such Institutes, as in force immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall apply to those Institutes with necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(q) the Executive Board, referred to in Rule 7 of the Rules and Regulations of the Indian School of Mines, Dhanbad, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall continue to so function until a new Board is constituted for the Indian Institute of Technology (Indian School of Mines), Dhanbad, under this Act, but on the constitution of a new Board under this Act, the Executive Board of the Indian School of Mines, Dhanbad shall cease to function so far as the Indian Institute of Technology (Indian School of Mines), Dhanbad is concerned;

(r) the Academic Council, referred to in Rule 9 of the Rules and Regulations of the Indian School of Mines, Dhanbad, functioning as such immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016 shall continue to so function until a new Senate is constituted for the Indian Institute of Technology (Indian School of Mines), Dhanbad under this Act, but on the constitution of a new Senate under this Act, the Academic Council of the Indian School of Mines, Dhanbad shall cease to function so far as the Indian Institute of Technology (Indian School of Mines), Dhanbad;

(s) until the first Statutes and the Ordinances in relation to the Indian Institute of Technology (Indian School of Mines), Dhanbad are made under this Act, the Statutes and Ordinances as are applicable to the Indian Institute of Technology, Roorkee immediately before the commencement of the Institutes of Technology (Amendment) Act, 2016, shall apply to the Indian Institute of Technology (Indian School of Mines), Dhanbad, with the necessary modifications and adaptations in so far as they are not inconsistent with the provisions of this Act;

(t) notwithstanding anything contained in the Institutes of Technology (Amendment) Act, 2016, any student who joined classes of the Indian School of Mines, Dhanbad on or after the commencement of 2015-2016 academic session or completed the courses on or after 2015-2016 academic session shall for the purpose of clause (b) of sub-section (1) of section 6, be deemed to have pursued a course of study in the Indian Institute of Technology (Indian School of Mines), Dhanbad provided that such student has not already been awarded degree or diploma for the same course of study;

(u) if any difficulty arises in giving effect to the provisions of the Institutes of Technology (Amendment) Act, 2016, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this clause after the expiry of two years from the commencement of the Institutes of Technology (Amendment) Act, 2016:

Provided further that every order made under this clause shall be laid, as soon as may be after it is made, before each House of Parliament.";

(b) after *Explanation 3*, the following *Explanation* shall be inserted, namely:—

"*Explanation 4.*—The reference in clauses (q), (r) and (s) of this section to the commencement of this Act shall be construed in relation to the Indian Institute of Technology (Indian School of Mines), Dhanbad, as the reference to the date on which the provisions of the Institutes of Technology (Amendment) Act, 2016 come into force.".

STATEMENT OF OBJECTS AND REASONS

The Institutes of Technology Act, 1961 was enacted by Parliament in December, 1961 to, *inter alia*, declare certain Institutes of Technology to be institutions of national importance.

2. The Government of India has set up six new Indian Institutes of Technology as registered societies. These institutes need to be brought within the ambit of the aforesaid Act for the purpose of declaring them as institutions of national importance.

3. The Government of India made an announcement in February, 2015 of its intention to convert Indian School of Mines, Dhanbad into an Indian Institute of Technology. This is in line with the overall thinking of the Government to have more Indian Institutes of Technology level institutions by upgrading existing institutions as well as creating new Indian Institutes of Technology.

4. Accordingly, a need has been felt to amend the said Act to effectuate the conversion of Indian School of Mines, Dhanbad into Indian Institute of Technology (Indian School of Mines), Dhanbad and to bring the six newly set up Indian Institutes of Technology within its ambit. Therefore, the Institutes of Technology (Amendment) Bill, 2016, *inter alia*, seeks to make the following amendments to the Institutes of Technology Act, 1961, namely:—

(a) to include six new Indian Institutes of Technology and declare them as institutions of national importance;

(b) to declare the Indian School of Mines, Dhanbad as an institution of national importance and integrate it with the Indian Institutes of Technology system;

(c) to incorporate the newly set up Indian Institutes of Technology and Indian Institute of Technology (Indian School of Mines), Dhanbad under the provisions of the Act;

(d) to provide that till such time the Statutes and Ordinances of new Indian Institutes of Technology and Indian Institute of Technology (Indian School of Mines), Dhanbad come into force, the six new Indian Institutes of Technology, would be governed by the existing Statutes and Ordinances of such Institutes as in force and the Indian Institute of Technology (Indian School of Mines), Dhanbad would be governed by the Statutes and Ordinances of the Indian Institute of Technology, Roorkee.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 14th July, 2016.

PRAKASH JAVADEKAR.

FINANCIAL MEMORANDUM

Clause 2 of the Institutes of Technology (Amendment) Bill, 2016 provides for establishment of six new Indian Institutes of Technology including conversion of Indian School of Mines, Dhanbad into Indian Institute of Technology (Indian School of Mines), Dhanbad and their declaration as institutions of national importance.

2. During the year 2016-2017, the six new Indian Institutes of Technology have been provided a budget allocation of Rs.230.00 crores and IIT (Indian School of Mines), Dhanbad has been provided Rs.100.00 crores under Plan Funds and Rs.85.20 crores under Non-Plan allocation.

3. The expenditure for establishment of six new IITs and conversion of Indian School of Mines, Dhanbad into IIT would be met from the Consolidated Fund of India through the budgetary provision under the Department of Higher Education, Ministry of Human Resource Development.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (i) of clause 6 of the Bill inserts new clauses (p) and (s) in section 38 of the Act which empowers the Institutes of Technology to make Statutes and Ordinances. New clause (u) empowers the Central Government, by order, to remove certain difficulties which may appear to it to be necessary or expedient. Further, such order is not to be made under the said clause after the expiry of a period of two years from the commencement of the proposed legislation. Every such order shall be laid before each House of Parliament.

2. The matters in respect of which the Statutes, Ordinances or orders may be made or issued are matters of administrative details and procedure and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACT FROM THE INSTITUTES OF TECHNOLOGY ACT, 1961

(59 OF 1961)

* * * * *

Declaration of
certain
Institutions as
Institutions of
national
importance.

2. Whereas the objects of the institutions known as the Indian Institute of Technology, Bombay, the College of Engineering and Technology Delhi, the Indian Institute of Technology, Guwahati, Assam, the Indian Institute of Technology, Kanpur, the Indian Institute of Technology, Madras, the Indian Institute of Technology, Roorkee, the Indian Institute of Technology, Bhubaneswar, the Indian Institute of Technology, Gandhi Nagar, the Indian Institute of Technology, Hyderabad, the Indian Institute of Technology, Indore, the Indian Institute of Technology, Jodhpur, the Indian Institute of Technology, Mandi, the Indian Institute of Technology, Patna, the Indian Institute of Technology, Ropar and the Indian Institute of Technology (Banaras Hindu University), Varanasi are such as to make them institutions of national importance, it is hereby declared that each such institution is an institution of national importance.

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ANOOP MISHRA,
Secretary General.